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T-455 P002

F-077

1 MICHAEL J. O'TOOLE (SBN 97779)
 City Attorney
 2 RANDOLPH S. HOM (SBN 152833)
 Assistant City Attorney
 3 CITY OF HAYWARD
 777 B Street, 4th Floor
 4 Hayward, California 94541
 5 Attorney for Defendant City of Hayward, Craig
 Calhoun, R. Farro, A. Nguyen, E. Mulhern,
 6 C. Martinez, E. Hutchinson, J. Waybright,
 R. Sappington, D. Olsen, erroneously
 7 sued herein as D. Olson, J. Bryan, and R. Keener

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

10 ANNIE LEWIS, individually, and as
 11 Administrator of the Estate of GREGORY
 LEWIS, and as Guardian Ad Litem of
 12 DEMARIO LEWIS; DEANDRE LEWIS and
 DELORENZO LEWIS, by and through their
 13 Guardian Ad Litem, CHRISTINE BENJAMIN

Case No.: C 03 05360 (CW)

STIPULATION TO TAKE PLAINTIFFS'
DEPOSITIONS AND (PROPOSED)
ORDER

Plaintiffs,

-vs-

16 CITY OF HAYWARD, a municipal corporation;
 CRAIG CALHOUN, in his capacity as Chief of
 17 Police for the CITY OF HAYWARD; R.
 FARRO, individually and in his capacity as an
 18 officer of the HAYWARD POLICE
 DEPARTMENT; A. NGUYEN, individually and
 19 in his capacity as an officer of the HAYWARD
 POLICE DEPARTMENT; E. MULHERN,
 20 individually and in his capacity as an officer of
 the HAYWARD POLICE DEPARTMENT; C.
 21 MARTINEZ, individually and in his capacity as
 an officer of the HAYWARD POLICE
 22 DEPARTMENT; E. HUTCHINSON,
 individually and in his capacity as an officer of
 23 the HAYWARD POLICE DEPARTMENT; J.
 WAYBRIGHT, individually and in his capacity
 24 as an officer of the HAYWARD POLICE
 DEPARTMENT; R. SAPPINGTON,
 25 individually and in his capacity as an officer of
 the HAYWARD POLICE DEPARTMENT;
 26 D. OLSON, individually and in his capacity as an
 (Caption continues on next page)

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1 officer of the HAYWARD POLICE
 2 DEPARTMENT; J. BRYAN, individually and in
 3 his capacity as an officer of the HAYWARD
 4 POLICE DEPARTMENT; R. KEENER,
 5 individually and in his capacity as an officer of
 6 the HAYWARD POLICE DEPARTMENT,
 7 and DOES 1-100, inclusive,

8 Defendants.

9 STIPULATION

10 On July 26, 2005, Defendants personally served their Notice of Taking the Deposition of
 11 Plaintiffs, advising them that on August 5, 2005 at the Hayward City Attorney's Office located at
 12 777 B Street, Fourth Floor, Hayward, California, Defendants shall take the depositions of Annie
 13 Lewis at 9 a.m., Christine Benjamin at 11 a.m., Demario Lewis at 2 p.m., Delorenzo Lewis at 3
 14 p.m., and Deandre Lewis at 4 p.m.

15 On August 1, 2005, Plaintiffs' counsel advised Defendants' counsel that he had a
 16 criminal proceeding in another case scheduled for the morning of August 5th. Accordingly,
 17 Defendants delayed the commencement of Plaintiffs' depositions to the afternoon of August 5th,
 18 beginning at 1 p.m.

19 On the afternoon of August 3, 2005, Plaintiffs' counsel advised Defendants' counsel in
 20 writing that Christine Benjamin and her children, Deandre Lewis and Delorenzo Lewis, would be
 21 unable to appear at their depositions due to childcare coverage issues relating to Ms. Benjamin's
 22 third child who suffers from a severe mental handicap.

23 In an effort mitigate any inconvenience to Ms. Benjamin, and at Plaintiffs' request,
 24 Defendants request leave of Court¹ to proceed with the depositions of Christine Benjamin,

25 ///

26 ///

27 ¹Factual discovery closes on August 8, 2005.

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1 Deandre Lewis, and Delorenzo Lewis, on August 22, 2005, beginning at 10 a.m at the Hayward
 2 City Attorney's Office. The depositions of Annie Lewis and Demario Lewis shall proceed as
 3 scheduled on August 5, 2005, commencing at 1 p.m.

LAW OFFICES OF JOHN L. BURRIS

Dated: August 4, 2005

By: Burris

JOHN L. BURRIS
 BEN NISENBAUM
 Attorney for Plaintiffs

OFFICES OF THE HAYWARD CITY ATTORNEY

Dated: August 4, 2005

By: Hom

RANDOLPH S. HOM
 Attorney for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/10/05

THE HONORABLE CLAUDIA WILKEN
 United States District Court Judge

